

Senate Bill No. 689

Passed the Senate September 8, 2005

Secretary of the Senate

Passed the Assembly August 30, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 12811 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 689, Speier. Vehicles: organ and tissue donors: registry.

Existing law authorizes the creation of a nonprofit entity designated as the California Organ and Tissue Donor Registrar, which is required to establish and maintain the California Organ and Tissue Donor Registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card.

This bill, instead, would require the department to collect donor designation information on all applications for an original or renewal driver's license or identification card.

The bill would require the department to electronically transmit donor designation information on a weekly basis to Donate Life California, a nonprofit organization, that is designated as the California Organ and Tissue Donor Registrar.

The bill would require the department to print the word "DONOR" or another appropriate designation on the face of a driver's license or identification card issued to certain persons registered as donors.

The bill would authorize a person who applies for an original or renewal driver's license, or identification card to designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation. The bill would require this contribution to be collected by the department, and treated as a voluntary contribution to Donate Life California and not as a fee for issuance of a driver's license or identification card.

The bill would create the Donate Life California Trust Subaccount in the Motor Vehicle Account in the State Transportation Fund. The bill would require the department to deposit the remaining moneys contributed, after deduction of specified administrative costs, in the Donate Life California Trust Subaccount, which would be continuously appropriated to the Controller for allocation to Donate Life California for the purpose of increasing participation in organ donation programs.

The bill would authorize a person between the age of 16 and 18 to designate himself or herself as an organ and tissue donor, subject to that person's legal guardian making the final decision regarding the donation.

The bill would become operative on July 1, 2006.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 12811 of the Vehicle Code is amended to read:

12811. (a) (1) (A) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.

(B) Each license shall also contain a space for the endorsement of a record of each suspension or revocation thereof.

(C) The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words "provisional until age 18."

(b) (1) The front of an application for an original or renewal of a driver's license or identification card shall contain a space

for any applicant, age 16 or older, to give his or her consent to be an organ and tissue donor upon death. An applicant who gives consent shall be directed to read a statement on the back of the application that shall contain the following statement:

“If you marked on the front of the application that you want to be an organ and tissue donor upon death, your consent shall serve as a legally binding document as outlined under the California Uniform Anatomical Gift Act. Except in the case where the donor is under the age of 18, the donation does not require the consent of any other person. For donors under the age of 18, the legal guardian of the donee shall make the final decision regarding the donation. If you want to change your decision to consent in the future, or if you want to limit the donation to specific organs or tissues, you must contact Donate Life California by mail at 1760 Creekside Oaks Drive, #160, Sacramento, CA 95833, or through the World Wide Web at www.donateLIFecalifornia.org, or www.doneVIDAcalifornia.org.”

(2) Notwithstanding any other provision of law, a person under age 18 may register as a donor. However, the legal guardian of that person shall make the final decision regarding the donation.

(3) The department shall collect donor designation information on all applications for an original or renewal driver’s license or identification card.

(4) The department shall print the word “DONOR” or another appropriate designation on the face of a driver’s license or identification card to a person who registered as a donor on a form issued under this section.

(5) On a weekly basis, the department shall electronically transmit to Donate Life California, a nonprofit organization established and designated as the California Organ and Tissue Donor Registrar pursuant to Section 7152.7 of the Health and Safety Code, all of the following information on every applicant that has indicated his or her willingness to participate in the organ donation program:

- (A) His or her true full name.
- (B) His or her residence or mailing address.
- (C) His or her date of birth.

(D) His or her California driver's license number or identification card number.

(6) (A) A person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of two dollars (\$2) for the purpose of promoting and supporting organ and tissue donation. This contribution shall be collected by the department, and treated as a voluntary contribution to Donate Life California and not as a fee for the issuance of a driver's license or identification card.

(B) The department may use the donations collected under this paragraph to cover its actual administrative costs incurred under paragraphs (3) to (5), inclusive. The department shall deposit all revenue derived under this paragraph and remaining after the department's deduction for administrative costs in the Donate Life California Trust Subaccount, which is hereby created in the Motor Vehicle Account in the State Transportation Fund. Notwithstanding Section 13340 of the Government Code, all revenue in this subaccount is continuously appropriated, without regard to fiscal years, to the Controller for allocation to Donate Life California and shall be expended for the purpose of increasing participation in organ donation programs.

(7) The enrollment form shall be posted on the Internet Web sites for the department and the California Health and Human Services Agency.

(8) The enrollment shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation. Except as provided in paragraph (2) of subdivision (b), the donation does not require the consent of any other person.

(9) Donate Life California shall ensure that all additions and deletions to the California Organ and Tissue Donor Registry, established pursuant to Section 7152.7 of the Health and Safety Code, shall occur within 30 days of receipt.

(10) Information obtained by Donate Life California for the purposes of this subdivision shall be used for these purposes only and shall not be disseminated further by Donate Life California.

(c) A public entity or employee shall not be liable for any loss, detriment, or injury resulting directly or indirectly from false or

inaccurate information contained in the form provided pursuant to subdivision (b).

(d) A contract shall not be awarded to any nongovernmental entity for the processing of driver's licenses, unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

(e) This section shall become operative on July 1, 2006.

Approved _____, 2005

Governor